

Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Rezoning

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

ZB 3-2-00 Synalovski, Gutierrez Architects, Inc., petitioner/Jaffe @ 595, Inc., owner - 10200 State

Road 84/Generally located on the south side of State Road 84 approximately 400 feet west

of Nob Hill Road.

REPORT IN BRIEF:

The petitioner is requesting to rezone the subject site to the B-3, Planned Business Center District in order to construct a 2-story, 24,000 square foot office building. The proposed B-3 District is consistent with the existing "Commercial" land use plan designation and abutting land use plan designations on all sides. Should this request be approved, the petitioner is voluntarily offering to restrict the following uses which are currently permitted within the B-3 District: pawnshops, bars and lounges, dance halls and clubs, game rooms and arcades, mortuaries, night clubs, private clubs, watchman's apartments, agricultural uses, adult establishments, hotels, motels, and the sale or rental of new or used automobiles, trucks, utility trailers, motorcycles and boats (see attached list of permitted uses). Staff supports the application on the merits of compatibility and appropriateness of use.

In response to the observed traffic conditions on SW 13 Street/SW 101 Road, staff considered traffic congestion the most critical factor in evaluating the rezoning request, and directed the applicant to prepare a comprehensive traffic study of the area. The analysis concluded that the resulting level of service on each road and intersection studied would be acceptable, given that Level of Service "C" or better would be maintained at buildout, with Level of Service "D" being the minimum acceptable standard.

Planning and Engineering staffs have reviewed the analysis and generally concur with its findings, noting that careful monitoring of traffic conditions is warranted as the Nob Hill Village Development and adjacent parcels build out, and further noting that signalization of the SW 13 Street/Nob Hill Road intersection will be warranted as development continues. However, several deficiencies in the traffic analysis preclude an accurate gauge of the adequacy of future roadway and intersection operation.

The proposed rezoning is consistent with the Town's Comprehensive Plan, is consistent with adjacent existing and planned uses, and is not expected to degrade the level of service within and adjacent to the Nob Hill Village Plat should signalization of the SW 13 Street/Nob Hill Road intersection occur. The Town should monitor future development of adjacent vacant lands carefully, and pursue signalization of the aforementioned intersection.

PREVIOUS ACTIONS: None.

CONCURRENCES: The Planning and Zoning Board recommended approval subject to the voluntary deed restrictions offered by the petitioner and the conceptual master plan (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

FISCAL IMPACT: Not Applicable.
RECOMMENDATION(S): Motion to approve, subject to the voluntary declaration of restrictions and conceptual master plan as noted in the planning report.
Attachment(s): Planning report with back-up, land use map, subject site map, and aerial.

Application #: ZB 3-2-00 Revisions:

Exhibit "A":

Original Report Date: 4/19/00

TOWN OF DAVIE

Development Services Department Planning & Zoning Division Staff Report and Recommendation

APPLICANT INFORMATION

Owner: Agent:

Name: Jaffe of 595, Inc. Name: Synalovski, Gutierrez Architects

Address: 10081 Pines Boulevard Address: 3109 Stirling Road, Ste. 202 City: Pembroke Pines, FL 33024 City: Fort Lauderdale, FL 33312

Phone: (954) 442-0301 **Phone:** (954) 961-6806

BACKGROUND INFORMATION

Application Request: To rezone 2.113 acres of property from A-1, Agricultural District to B-3, Planned Business Center District.

Address/Location: 10200 State Road 84/Generally located on the south side of State Road 84 approximately 400 feet west of Nob Hill Road.

Land Use Plan Designation: Commercial

Zoning: A-1, Agricultural District

Existing Use: Vacant Land

Proposed Zoning: B-3, Planned Business Center District

Proposed Use: Office Building

Parcel Size: 2.113 acres (92,042 square feet)

Surrounding Land Use: Land Use Designation

North: State Road 84 and Interstate 595 Transportation **South:** Vacant land (proposed Phase II of Commercial

Creative Child Care Learning Center).

East: Electrical Supply Company Commercial **West:** Vacant land. Commercial

Surrounding Zoning:

North: T, Transportation District.

South: B-3, Planned Business Center District. **East:** B-3, Planned Business Center District

West: A-1, Agricultural District

ZONING HISTORY

Related Zoning History: None.

Previous Requests on same property: Edjeslan Plat currently being processed.

DEVELOPMENT PLAN DETAILS

The petitioner is proposing to construct a 24,000 square foot, 2-story office building on the subject site. The building will be located approximately 155 feet from the southern property line, adjacent to the phase II portion of the approved Creative Child Care Center and approximately 145 feet from State Road 84. Access to the site will be provided via SW 101 Road facing State Road 84. A conceptual mater plan is attached hereto and is made part of the rezoning request.

SUMMARY OF SIGNIFICANT DEVELOPMENT REVIEW AGENCY COMMENTS

The Town of Davie Engineering Division has reviewed the above referenced traffic analysis and has made the following comments: 1) There are no concurrency deficiencies on the local network; however, to evaluate the total impact of the proposed use on the regional network, a Broward County Trips Analysis should be provided; 2) The future background and committed development trips may support the installation of a traffic signal as this area further develops. Additional intersection volume studies should be preformed at that time.

Applicable Codes and Ordinances

Land Development Code Section 12-307, Review for Rezonings.

Land Development Code Section, 12-34(AA)(1), which requires unified control and a conceptual master plan for development of land within the B-3, Planned Business Center District.

Comprehensive Plan Considerations

<u>Planning Area:</u> This property falls within Planning Area 4. This planning area is bordered by S.R. 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and SW 14th Street. A portion of the University Drive and S.R. 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acres, but in some cases up to ten, including Pine Island Ridge, Park City, and Rexmere Village developments, located between Nob Hill Road and Pine Island Road.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Should this rezoning be approved, the petitioner will be required to obtain Town of Davie and Broward County plat approval prior to site plan and permit approval. Concurrency review, including roadways and utilities infrastructure will be reviewed at the time of platting.

Applicable Goals, Objectives & Policies:

Future Land Use Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Policy 7-3: Zoning regulations shall provide for varying intensities of commercial development, and direct application of appropriate districts where compatible with adjacent and surrounding residential uses.

Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Staff Analysis

The petitioner is requesting to rezone the subject site to the B-3, Planned Business Center District in order to construct a 2-story, 24,000 square foot office building. The proposed B-3 District is consistent with the existing "Commercial" land use plan designation and abutting land use plan designations on all sides. Should this request be approved, the petitioner is voluntarily offering to restrict the following uses which are currently permitted within the B-3 District: pawnshops, bars and lounges, dance halls and clubs, game rooms and arcades, mortuaries, night clubs, private clubs, watchman's apartments, agricultural uses, adult establishments, hotels, motels, and the sale or rental of new or used automobiles, trucks, utility trailers, motorcycles and boats (see attached list of permitted uses). Staff supports the application on the merits of compatibility and appropriateness of use.

Staff visited the Nob Hill Village development adjacent to the subject site in response to reports of traffic congestion within the development, particularly at the intersection of Nob Hill Road with SW 13 Street. Southwest 13 Street/101 Avenue is a local roadway which is not subject to concurrency review by Broward County, and therefore it is the Town's responsibility to ensure adequate level of service. In response to the observed traffic conditions, staff considered traffic congestion the most critical factor in evaluating the rezoning request, and directed the applicant to prepare a comprehensive traffic study of the area, including Nob Hill Road north and south of the subject site, and SW 13 Street/SW 101 Avenue on both sides of Nob Hill Road, and to analyze the intersection levels of service. The traffic analysis, prepared by Tinter Associates, Inc., evaluated existing traffic conditions and future traffic conditions resulting from the buildout of the Nob Hill Village Plat and subject site, as well as expected increases in area traffic utilizing Nob Hill Road. The analysis concluded that the resulting level of service on each road and intersection studied would be acceptable, given that Level of Service "C" or better would be maintained at buildout, with Level of Service "D" being the minimum acceptable standard.

Planning and Engineering staffs have reviewed the analysis and generally concur with its findings, noting that careful monitoring of traffic conditions is warranted as the Nob Hill Village Development and adjacent parcels build out, and further noting that signalization of the SW 13 Street/Nob Hill Road intersection will be warranted as development continues. However, certain deficiencies in the traffic analysis preclude an accurate gauge of the adequacy of future roadway and intersection operation.

Such deficiencies include: an assumption that the SW 13 Street/Nob Hill Village intersection will be signalized prior to occupancy of the proposed office building, when there are no plans to signalize this intersection at this time (should signalization not occur, the study's conclusions would be questionable); utilization of traffic generation rates for general office use, which generates half the traffic of medical offices, which have not been precluded by the applicant as part of the rezoning request; lack of data and analysis regarding stacking and intersection queuing, thus not providing a clear picture of intersection operation and whether cars queuing for left turns at unsignalized intersections were blocking individual business or school driveways; and, absence of any analysis of existing road and intersection characteristics as basic as the number of lanes at an intersection. Such roadway characteristics affect traffic movement and could be addressed if mitigation was warranted.

In conclusion, the proposed rezoning is consistent with the Town's Comprehensive Plan, is consistent with adjacent existing and planned uses, and is not expected to degrade the level of service within and adjacent to the Nob Hill Village Plat should signalization of the SW 13 Street/Nob Hill Road intersection occur. The Town should monitor future development of adjacent vacant lands carefully, and pursue signalization of the aforementioned intersection.

Findings of Fact

Section 12-309(B)(1)

(a) The proposed change <u>is not</u> contrary to the adopted comprehensive plan, as amended, or any element or portion

thereof;

- (b) The proposed change <u>will not</u> create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries <u>are</u> logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change $\underline{\text{will not}}$ adversely affect living conditions in the neighborhood;
- (e) The proposed change <u>will not</u> create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change <u>will not</u> adversely affect other property values;
- (g) The proposed change <u>will not</u> be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change <u>does not</u> constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

accord with existing zoning.

(j) The proposed zoning designation <u>is</u> the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

<u>Recommendation:</u> Based upon the above and the overall finding of facts in the <u>positive</u>, staff recommends <u>approval</u> of application no. <u>ZB 3-2-00</u>, subject to the voluntary declaration of restrictions and conceptual master plan as noted in the planning report, and noting that each new development utilizing SW 101 Avenue must be evaluated to ensure signalization of the SW 13 Street/Nob Hill Road intersection and any other necessary improvements will be in place at the appropriate time,

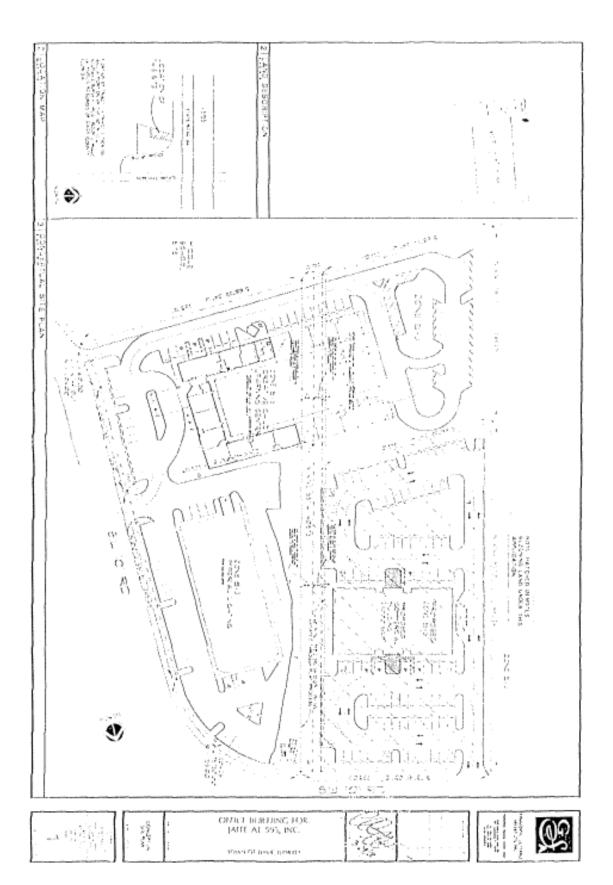
Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval subject to the voluntary deed restrictions offered by the petitioner and the conceptual master plan (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

Exhibits

- 1. Conceptual Master Plan
- 2. List of uses to be restricted.
- 3. Traffic Analysis
- 4. Land Use Map
- 5. Subject Site Map
- 6. Aerial

Prepared by:	
Reviewed by:	



DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, E.D.J. ENTERPRISES, INC., a Florida corporation; ADJESLAN ENTERPRISES, INC., a Florida corporation, and JOHN MORRIS, whose address for these purposes shall be 10081 Pines Boulevard, Suite A, Pembroke Pines, Florida 33024, collectively being the owners of that certain real property located in the Town of Davie, Broward County, Florida and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida

The above-described property shall not be used for the following uses:

Those uses as permitted under Article III, Use Regulations, Division I, Permitted Uses, Section 12-30 through 12-32, of the Town of Davie Land Development Code, pertaining to the B-3, Planned Business Center District, including pawnshops; bars and lounges; dance halls and clubs; game rooms and arcades; mortuaries; night clubs; private clubs, watchman's apartments; agricultural uses; adult establishments; hotels; motels; and the sale or rental of new or used automobiles, trucks, utility trailers, motorcycles, and boats

- These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.
- 3 Development of the described property shall be in conformance with the proposed Conceptual Site Plan attached hereto and made a part hereof as Exhibit "B," or any amendment thereto approved by the Town of Davie.
- 4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or Liking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title of assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.

5.	Invalidation	of any on	e portion	of this	Deck	aratio	n of I	Restric	tions	or an	y portion	of
this	document by	judgment	or court	order i	n no	way	shall	affect	any	other	provision	ıs,
whic	ch shalt remain	n in full force	ce and ef	fect.								

6.	This Declaration	of	Restrictions	İS	executed	for	the	purpose	of	protecting	the
health.	, safety and welfa	re (of the citizens	of	the Town	of D	Davie	e, Florida.			

[Signatures begin on the next page]

IN WITNESS WHEREOF, January, 2000.	I have hereunto set my ha	nd and seal this day of
Signed, sealed and deliver In the presence of:	red	JAFFE OF 595, INC., a Florida Corporation
Witness signature	ff2 21_56F8	By Gary S. Karninsky, Executive Director
Mary Tongole. Witness signature PRINT: MARY TONY	c VlasS	
STATE OF FLORIDA))SS:	
COUNTY OF)	
	Kaminsky, Executive Direc	pefore me this day of stor of JAFFE OF 595, INC., a r produced
		Notary Public
		Signature: Annette Kaminsky Commission # 00 908472 Express Feb. 7, 2004 Print Natite Print Natite Atlantic Hooding Co., Inc.

1/1									
ENISTING ZONING: 191	TOWN OF DAVIE USE ONLY								
PHOPOSED ZOKING A 3	PETITION NO. Z.B. 3-2-80								
CODE SECTION:	FEE. 1170								
LAND USE DESIGNATION:	RECEIPT NO. 6/87								
MAR 30 2000 TOWN OF DAVIE REZUNING APPLICATE INFORMATION MUST BE TYP Nake Checks payable to Tow	1011								
DATE FILED: Murch 15, 2000 PHO	NE: (954) 961-6906								
PETITIONER: Synalovski Gatierrez Architects, Inc.									
MAILING ADDRESS: 3109 Stirling Rd., Ste. 202 FAX Ft. Lauderdale, FL 33312	(954) 961-6807								
RELATIONSHIP TO PROPERTY: Architect of Record									
OWNER: Juffe at 595, Inc.	OWNER: Juffe at 595, Inc.								
MAILING ADDRESS: 19931 Pines Blv4., Pembroke Pines									
ADDRESS OF TROTAGE.	survey for exact locations.								
LEGAL DESCRIPTION: (Certified Sealed Boundar of amount of acreage involved MUST be submitted	y Survey to include statement ed with application):								
ACREAGE: 2.112 Acres (92,022 S.F.)									
REQUEST: Rezoning from existing A-1 Agricultural	to B-3 Commercial.								
REASON FOR REQUEST (attach additional sheet as necessary):									
Present zoning does not allow connects inconsistent with land use determination									
* * * PETITIONER MUST BE PRESENT IN ORDER FO									
APPROVED AS TO FORM: PUBLI	ONLY #/p/								
APPROVED AS TO FORM: \(\frac{177}{47}\)	CATION DATE: //7/00								
MEETING DATE: PLANNING AND ZONING BOARD: 2	TOWN COUNCIL:								
NOTICES SENT: REPLIES: FOR: AGAINST:									

UNDELTVERABLE:

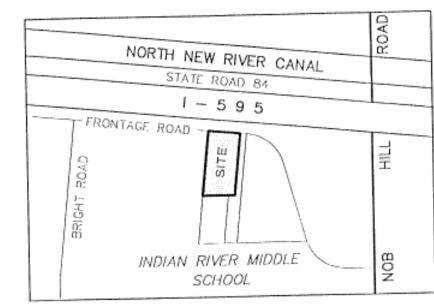
DAFFE CF 595 INC.	PETTHONERS NAME
OWNER'S SIGNATURI (ALL OWNERS MUST SIGN)	PETITIONER'S SIGNATURE
10081 PINES BLUD,	3109 Stirling Rd.
PENBROKE PINES, FL 33024	FT. LAUDERDALE, FL 33312 CITY, STATE, ZIP
954 442 0301 PHONE	954 961 6806 PHONE
The foregoing instrument was acknowledged before me this 30 day of 1978 (1) by hy Land 15 Proceed who is personally who	The foregoing instrument was acknowledged before me this 30 day of 1995 of 1995 by 1805 who is personally known to me or who has produced.
as Identification and who did take an oath. NOTARY PUBLIC Sign: Print: Print: My Commission Expires: Print: Pri	As identification and who did take an oath. NOTARY PUBLIC. Sign: Print: Print: A Society Commission by didse Agrand 20 2007 Express hasterica 22 2007

OFFICE USE ONLY

SKETCH AND DESCRIPTION

A PORTION OF TRACT 1 AND TRACT 2, TIER 95 AND A PORTION OF THE 30' R-O-W JOHN W. NEWMAN'S SURVEY

(PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF DADE COUNTY, FLORIDA)



LOCATION SKETCH

NOT TO SCALE

NOTES:

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- Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- 2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
- The land description shown hereon was prepared by the Surveyor.
- 4. Bearings shown hereon are based on the Stoner/Keith Resurvey with the east boundary of Tracts 1 and 2 having a bearing of South 14'43'55" West.
- Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
- Abbreviation Legend: O.R.B.= Official Records Baok, P.B.= Plat Book, B.C.R.= Broward County Records, D.C.R. Dade County Records, PG. Page, P.O.B. Point Of Beginning, R/W= Right-Of-Way, S.R.= Stata Road, F.D.O.T.≈ Florida Department Of Transportation, M.P.B. = Miscellaneous Plat Book; P.O.C. = Point Of Commencement.



AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (568) 392-2804, FAX (568) 394-7125 (2000 AVINCH & ASSOCIATES, INC. ALL RICHIS PLEJINGED.

JOB # ##*** DATE: ----SHEET ___OF ____

SKETCH AND DESCRIPTION EXHIBIT "A"

LAND DESCRIPTION:

A portion of Tract 1 and Tract 2, Tier 95, and a portion of the 30 foot Right-Of-Way. JOHN W. NEWMAN'S SURVEY according to the Plat thereof as recorded in Plat Book 2, Page 26 of the Public Records Of Dade County, Florida, said portion lying in Section 7, Township 50 South, Range 41 East, being more particularly described as follows:

COMMENCING at the northwest corner of Parcel "A", NOB THLL VILLAGE according to the Plat thereof as recorded in Plat Book 134, Page 26 of the Public Records Of Broward County, Florida; thence North 7516'05" West along the south right—of—way of Frontage Road as described in the Florida Department of Transportation Parcel Number 422, recorded in Official Records Book 8790, Page 524 of the Public Records Of Broward County, Florida, 15.00 feet to the POINT OF BEGINNING; thence South 14"43"55" W along a line 15.00 feet west of and parallel with the west boundary of said Parcel "A", 378.19 feet; thence South 88'32'34" West along a line 238.44 feet north of and parallel with the south line of said Section 7, a distance of 233.29 feet; thence North 14'43'55" East along a line 213.21 feet west of and parallel with the east property line of said Tract 1 and Tract 2, a distance of 443.25 feet to said south right-of-way; thence South 75'16'05" East glong said right-of-way line 224.05 feet to the POINT OF BEGINNING.

Said lands lying and being in the Town Of Davie, Broward County, Florida containing 92,021.12 square feet (2.113 acres) more or less.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction on April 5, 2200. I FURTITER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17—6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

> KEITH M/CHEE-A-TOW, P.L.S. Florida Registration No. 5328 AVIROM & ASSOCIATES, INC.

L.B. No. 3300

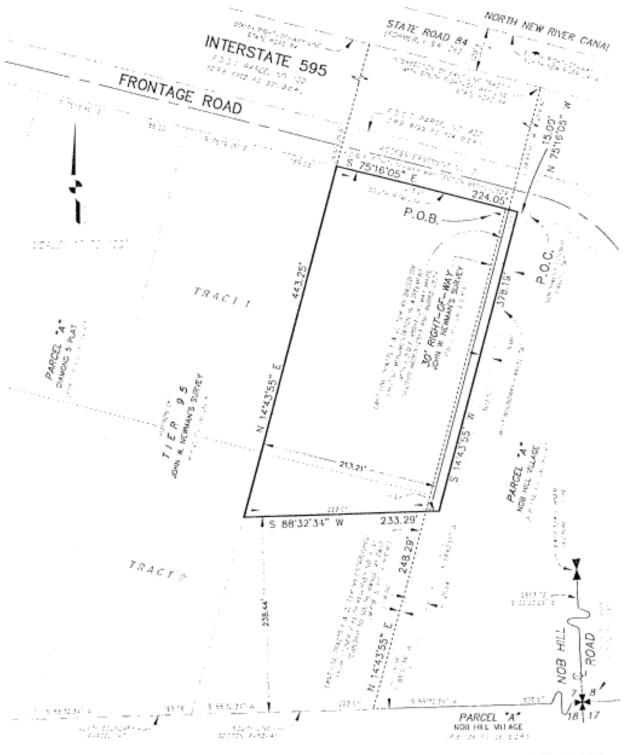


AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 60 8.W. 2ND AVENUE. SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (68) 392-2694, FAX (56) 394-7126 (37000 MRCM & ASSOCIATES, INC. ALL RIGHS HESERVED. JOB # 3512-1

DATE: 34-46-

SHEET___OF___

SKETCH AND DESCRIPTION





AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
60 S.W. 2ND AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 392-2594, FAX (561) 394-7125
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JOB # 4515 -DATE: 04-15 -SHEET__OF__

Office Building for Jaffe @ 595

CRITERIA FOR REVIEWING REZONING REQUESTS

- The proposed change of zoning from the present A-1 to the proposed B-3 is in harmony with the adjacent sites and zoning district.
- (2) The proposed change in zoning does not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts.
- (3) The change in zoning will create a logical relationship with the existing boundaries of all adjacent Properties.
- (4) The proposed change will be in harmony with all adjacent Properties and it will not adversely affect living conditions in the neighborhood.
- (5) The proposed change will not create or excessively increase automobile and vehicular traffic congestion or otherwise affect public safety.
- (6) The proposed change in zoning will enhance the surrounding property values and tax base.
- (7) The proposed change will not be a deterrent to the improvement or development of other property in accord with the existing regulations.
- (8) The proposed change in zoning will not constitute a grant of special privilege to an individual owner as contrasted with welfare of the general public.
- (9) The existing zoning A-1 is no longer consistent with the surrounding commercial district and does not allow a development which would be in harmony with the adjacent sites.

pr/SGA Louise/ms/doos/909727/criteria doc



